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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TETSUYA JOE NOMURA,

Plaintiff

vs.

YOUTUBE, LLC.

Defendant

YOUTUBE, LLC.

Plaintiff

vs.

TETSUYA JOE NOMURA,

Defendant

Case No. 5:11-cv-01208-HRL

**TETSUYA JOE NOMURA'S OPENING
CLAIM CONSTRUCTION BRIEF**

Hearing Date: December 14, 2012.

Judge: Honorable Howard R. Lloyd

DECLARATION OF KEVIN PASQUINELLI

I, Kevin M. Pasquinelli, declare as follows:

1. My name is Kevin Pasquinelli. I am counsel for Plaintiff in this suit.
2. Attached as Exhibit A are pages concern version and date of publication of the MS Computer Dictionary.
3. Attached as Exhibit B is a copy of the MS Computer Dictionary page for the word “access”.
4. Attached as Exhibit C is a copy of the MS Computer Dictionary page for the word “sort”.
5. The MS Computer Dictionary has no entry for the word “classify”.
6. Attached as Exhibit D is a copy of the entry for “classify” from Merriam-Webster’s On line Dictionary.
7. Attached as Exhibit E is a copy of the MS Computer Dictionary page for the word “back up”.
8. Attached as Exhibit F is a copy of the entry for “prevent” from Merriam-Webster’s On line Dictionary.
9. Attached as Exhibit G is a copy of the MS Computer Dictionary page for the word “error detection and correction”.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed on October 15, 2012.

Dated: October 15, 2012

/s/ Kevin Pasquinelli

Kevin Pasquinelli, Esq.

Certificate of Service

The undersigned certifies that on October 15, 2012, the foregoing document was filed with the Clerk of the U.S. District Court for the Northern District of California, using the court's electronic filing system (ECF), in compliance with Civil L.R. 5-4 and General Order 45. The ECF system serves a "Notice of Electronic Filing" to all parties and counsel who have appeared in this action, who have consented under Civil L.R. 5-5 and General Order 45 to accept that Notice as service of this document.

Date: October 15, 2012

Mount, Spelman & Fingerman, P.C.,

/s/ Kevin M. Pasquinelli

Kevin M. Pasquinelli

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